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# **Politicising Migration: Opportunity or Liability for the Centre-Right in Germany?**

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Abstract (145 words)

Centre-right parties have by and large been keen to mobilise support by adopting relatively restrictive approaches on immigration and multiculturalism. However, such mobilising strategies carry a number of costs: centre-right parties risk losing support from more moderate supporters; and they may lose legitimacy by pursuing policies that conflict with more liberal approaches, or which prove difficult to deliver. This article develops a typology of these risks and applies it to analyse the behaviour of the CDU in Germany. While many features of the CDU are well suited to more restrictionist immigration policies, such approaches have at times conflicted with the more Christian and communitarian ethos on which the party was originally founded. Moreover, when in government the CDU has found it difficult to deliver on more restrictive pledges, and, we argue, is likely to find it increasingly difficult to reconcile restrictionism with a business-friendly approach.

Key words; CDU/CSU, immigration, asylum, opportunity structures

Word Total (paper including references 8,406 words)

# **Politicising Migration: Opportunity or Liability for the Centre-Right in Germany?**

Immigration and refugee policy has emerged as an important area for European centre-right parties to assert their distinctiveness in the battle for votes with centre-left and liberal parties. Indeed, the centre-right has consistently championed rather more restrictive approaches than its left of centre counterparts, at least in its rhetoric. Such positions appear to offer extensive possibilities for mobilising electoral support, and in many ways sit comfortably with the culturally conservative and patriotic values of many European centre-right parties. Yet, a focus on these issues carries its own risks. Conservative and Christian Democratic parties may lose legitimacy or electoral support from ethnic minority voters by ‘playing the race card’; anti-immigrant positions may run counter to human rights or humanitarian values that are traditionally defended by the Christian church; and restrictive policies may conflict with a range of policy goals embraced by the centre-right – especially in the areas of economic management and free trade (Boswell, 2007). Moreover, a range of institutional constraints can impede governments from implementing restrictionist goals, with the result that they may fail to deliver on their electoral promises (Hollifield, 1990). Given these risks, there is no golden rule stating that Conservatives or Christian Democrats will automatically move to occupy the space available for populist mobilisation on migration issues; or, if they do so, that this will yield electoral dividends.

Perhaps the most obvious framework for exploring these questions is offered by the literature on political opportunity structures – POS (Koopmans and Statham 2000; Tarrow 1998). The POS approach holds that political institutions, cleavages and alliance structures shape the opportunities, or ‘space’, for mobilisation on immigration and ethnic issues. However, while the focus on opportunities is clearly important, we argue that the POS approach fails to explore the

risks associated with occupying this space. It is fairly indisputable that centre-right parties have opportunities for political mobilisation on immigration issues, and indeed have frequently used them. But how do they assess and respond to the perceived risks of occupying this space, in terms of loss of votes, party loyalty, or a more general erosion of legitimacy? While the question of political costs is in principle captured by the POS framework, it remains under-theorised.

In this paper we develop a typology of the potential costs, or risks, of anti-immigration mobilisation to help explain how centre-right parties in Germany have positioned themselves on migration issues over the past two decades. These risks are understood in terms of the legitimacy deficits that may be created by this type of mobilisation. The article illustrates these points by considering the case of the Christian Democratic Union (CDU), the major centre-right party in German politics since World War II, as well as – briefly – its interactions with two other broadly centre-right actors, the Christian Social Union (CSU) and Free Democratic Party (FDP). The article is divided into two parts. In the first part we explain the political opportunities and risks opened by the rise to prominence of immigration issues since the 1980s. In the second part we illustrate these points by drawing on the case of the CDU, analysing the positions the party has taken on immigration and asylum questions between 1982 and 2005. Focusing on this period allows us to trace the emergence of immigration as a political issue in the 1980s, and to examine how the CDU responded to this new political opportunity. It also provides scope for comparing the party's strategy in government (1982-1998) and in opposition (1998–2005); as well as variations in its strategy in response to the radical upheaval linked to reunification, and a phase of growth in support for the far-right (1989-1994).

### **Opportunities and Risks of Anti-Immigration Politics**

The POS literature seeks to explain strategies of political mobilisation in terms of a party's perceptions of the costs and benefits of occupying a given 'space' – in this case, that of

restrictive, conservative or anti-immigrant positions. The concept of 'space' presupposes the existence of a set of preferences amongst sections of society that have not been adequately represented within the existing configuration of party positions. By occupying this space, a party provides the opportunity to articulate such claims, with the intention of garnering electoral support.

The notion of political space seems to be highly pertinent in the case of immigration. In the decades after World War Two, migration policy in many European countries was characterised by elitist or clientelistic forms of policy-making (Hammar 1985; Freeman 1995). At least until the 1980s, policies on the recruitment of migrant labour, immigrant integration and citizenship acquisition tended to be the object of cross-party consensus and/or corporatist forms of decision-making. Such policies were designed to meet labour market needs and to promote social cohesion, but were not necessarily responsive to (generally more anti-immigrant) public preferences. Once political parties did start mobilising support on immigration issues in the 1980s, it became clear that large parts of the electorate held considerably less tolerant views vis-à-vis immigration. In this sense, the relatively limited range of views being represented by the dominant political parties created space for anti-immigrant mobilisation. And a number of parties, including centre-right parties, began to adjust their programmes to occupy this space.

However, attempts to mobilise support by articulating anti-immigrant views also carried risks. One danger flagged in some of the literature is that airing such views can bolster support for parties further to the right, by increasing the salience of these questions, or by making such positions *salonfähig* (Bale 2003). In this sense, occupying anti-immigrant space may not prove to be a wise strategic move for centre-right parties. Less explored in the literature, however, is a second type of risk, linked to the potential for a party to lose legitimacy. We can distinguish

between three types of legitimacy that centre-right parties may put at risk through mobilisation on migration issues.

*Value legitimacy.* This is the perception on the part of party members, (potential) supporters and relevant societal groups, that the party's rhetoric and programme correspond with ethical norms espoused by these constituencies. Centre-right parties tend to be catch-all parties, usually uniting disparate sets of voters, many of whom are fairly moderate in their views. Unlike in the case of far-right parties, we can assume that the mainstay of support is not susceptible to more radical positions. This means that centre-right parties need to be careful not to deviate from mainstream societal expectations about appropriate norms governing treatment of immigrants and ethnic minorities. In the case of Christian centre-right parties, the Church may be a particularly influential source of critique of populist approaches, typically espouse more humanitarian approaches to immigrants.

*Programmatic coherence.* The party's legitimacy also rests on its capacity to put forward and implement a coherent set of goals, avoiding excessive contradictions between different interests and policies. The restriction of migrant entry, rights of residents, or asylum policy can contradict human rights commitments; it may conflict with business interests in prolific and cheap supplies of labour, or with the goal of attracting a highly qualified work-force; and it may be incompatible with other foreign policy goals, such as European provisions on free movement, or bilateral relations with sending countries. Moreover, where restrictive positions imply mobilising anti-immigrant sentiment, this can be socially divisive, and threaten social cohesion. Where these conflicts become explicit, or where certain goals are prioritized at the expense of others, parties may lose support.

*Practical credibility.* The third point concerns the capacity of centre-right parties to deliver on their promises of restrictive policies. Electoral guarantees to restrict immigration, reduce numbers of asylum seekers, or crack down on irregular migration, may not be feasible and once in power centre-right parties risk losing credibility if there is too pronounced a gap between rhetoric and action. We can distinguish between two types of factors that constrain the implementation of restrictive policies once a party is in power. The first is more formal: states are signed up to various constitutional commitments, treaties, and international agreements, which are often difficult to modify. They may impede attempts to deliver more restrictive measures. The second constraint is less formal, taking the form of path dependency. Certain policy choices in the past create a certain ‘stickiness’, or resistance to change even where incumbents are keen to introduce a change in policy direction (Hansen, 2002). These constraints can lead to a failure to implement electoral promises, thereby undermining the credibility of governments.

Different centre-right parties may be more or less susceptible to these potential problems of legitimacy; and, of course, they may be more or less astute in their assessment of, and reaction to, the risks involved. In some cases, centre-right parties, or factions and individuals within them, have badly misjudged these preconditions for legitimacy, and have suffered a loss of support as a result. Moreover, as we shall see later, the decision to occupy this anti-immigration ‘space’ can appear to be driven by the ideological proclivities of party members who may be out of tune with targeted voters. In short, while parties may hope to derive electoral advantages from mobilising on migration issues, parties that do so also run the risk of losing legitimacy and credibility, especially over a longer period of time. And this in turn can have (sometimes severe) effects on their performance at the polls in future years.

### **The Centre-Right in Germany**

There are a number of parties in Germany which may be regarded – either now or at some point in their history – as being ‘centre-right’. The CDU is the party that has most traditionally been regarded as fitting this ideological space. In the formative years of the Federal Republic the party became unambiguously associated with many of the country’s success stories; the FRG’s economic recovery, its embeddedness within the EU and its successful return to the league of respected nations. It explicitly sought to incorporate both sides of the sectarian divide in a party which remained broadly conservative, broadly pro-church and largely supportive of pro-business policies. The strong ‘social catholic’ wing (with especially robust representation in the Rhineland) and a more conservative Catholic wing in the south exerted particular influence on many of the social and economic policies during the Adenauer years (Mintzel, 1992: 64). The CDU’s aim was not to ‘re-Christianise’ an increasingly secular Germany, but to apply a rather generalised set of Christian principles and values to practical politics. This involved a strong commitment to an organic model of society and a stress on integrating different social groupings into a unified, harmonious whole (Huntington and Bale, 2002: 45). The leaders of the CDU, and Konrad Adenauer in particular, were expressly keen to stress that the CDU was subsequently a *Volkspartei* of the centre, and not of the right. Adenauer built a broad coalition based on anti-socialism and Christian values, without extenuating the importance of ideology or class in the CDU’s self-understanding. The CDU of the 1950s and 1960s therefore stressed social responsibility and a clear commitment to the social-market economy ensuring that its main opponent, the SPD, was inevitably forced leftwards.

The CDU dominated party politics until the mid-1960s and – no matter how one chooses to measure this in quantitative terms – was very much at the centre of Germany’s ideological spectrum. To vote against the CDU was seen in many quarters as voting against many of the successes of German post-war democracy. In programmatic and ideological terms the CDU was therefore as much a party of the centre as of the centre-right. Through the 1980s, and certainly



post-unification, this perception of the CDU's ideological position undoubtedly began to change; it became more clearly a party that was right of centre, mainly because of its positions on non-economic issues. Even now, the CDU's economic policies clearly have more in common with what citizens of the UK would regard as the centre-left (i.e. Labour) than the centre-right/right. It no longer automatically dominated the 'centre' of the party system and it certainly did not occupy the pivotal point that it had done previously (the SPD took over this mantle). A reduction in the space afforded to socio-economic interventionism and a heightened interest in culturally traditionalist themes characterised a drift into what was – in a spatial sense – more 'classic' centre-right territory.

Whilst the CDU – despite some definitional quibbles – is seen as being a party of the centre-right, Germany has two further parties that certainly deserve some sort of brief discussion; the Christian Social Union (CSU) and the Free Democratic Party (FDP). Both have, in different ways and at different times, been a part of the broadly defined German centre-right. The CSU is, of course, in rather a unique position. As the CDU's sister party, it only stands for election in Bavaria (where in turn the CDU does not compete) and has traditionally been more conservative, and yet also rather more 'social', in its orientation than its Christian Democratic partner. It has developed a unique role for itself as both a very successful Bavarian regional party, and a nationally significant actor. Although separate political organisations, the CDU and CSU sit together in the federal parliament and have proven to be a potent electoral force. Together they have embraced a broad alliance of voters as they prospered, in particular, in the *Bundestag* elections of the first three post-war decades. For the rest of this article it would appear opportune to deal with these two distinct actors concurrently.

The only small party to initially forge a niche for itself in the German party system was the FDP, developing away from its original national-liberal ethos and articulating both greater economic

liberalism and also a strong defence of civil liberties. It traditionally had a base that was composed mainly of middle-and upper-class professionals, and it has frequently been mocked as a party of dentists and doctors – as well as ‘Yuppies’ and ‘Dinkys’. The FDP’s strategic position between Germany’s two big *Volksparteien* (the SPD and CDU/CSU) saw it, until the late-1980s at least, reside firmly in the centre of the political spectrum with a traditional liberal ethos of protecting civil liberties and pushing of a liberalisation of Germany’s regulated social market economy. The position of the FDP has become much less comfortable in recent years and it is for this reason that it merits some discussion as a party that – at least spatially (if not necessarily ideologically) – has a link with the centre-right. We will therefore analyse its positions very briefly through the rest of this article.

### **The Case of Germany: CDU/CSU Mobilisation on Migration Issues**

Like other Christian Democrat parties, the CDU (although not the CSU) has seen a significant erosion in its voter support base since the mid-1980s (Dalton, 2003). It has lost its position as the median party and it is faced – particularly since the formation of the Greens in the late 1970s and 1980s and, latterly, a viable socialist party (*Die Linke*) to the left of the SPD – with a structural majority of left-leaning voters (Lösche, 2003; Hough et. al., 2007). The reasons for this have as much to do with the unique challenges that unification presents as they do with general threats that all Christian Democratic parties have had to deal with. Eastern Germans are much more inclined to vote for the SPD and *Die Linke* than are western Germans and this has forced the CDU/CSU to reassess its entire political strategy (Jörs, 2003). Under these conditions, it was hardly surprising that the party would look for new issues with which to mobilise lost support. As with many other Christian Democratic parties, it was particularly drawn to two new directions: the embracing of a more liberal (if not neo-liberal, despite what its critics claim) economic policy; and appealing to more restrictionist policies in areas such as migration.

During the period of 'guest-worker' recruitment from around 1955-73, immigration and asylum policy had enjoyed very low political salience. It was only from the early 1980s that the Christian Democrats began to thematise responses to the challenge of Germany's now substantial non-national population, as well as issues of immigration control. This was, in many ways, a clever choice. First, it was certainly an issue that was beginning to have popular resonance. Polls from 1982 suggest that two-thirds of German voters agreed that the guest workers recruited in the post-war period should return to their countries of origin, and only 11 per cent agreed that there should be intensified efforts to promote their integration (Schönwälder, 1996: 166).

In addition to its popular appeal, highlighting the costs of migration provided a superficially plausible explanation for many of the socio-economic problems faced by Germans. Non-nationals could be depicted as competing with Germans for scarce jobs, housing, welfare assistance and social services. Probably more importantly for CDU/CSU voters, immigration-related issues fitted well with established traditions of defining membership of the German nation around ethno-cultural criteria (Brubaker, 1992). This pattern of identification was arguably sustained after WWII as a justification for Germany's continued political claim to reunification and inclusion of the Germans in the GDR and minorities in the rest of central and eastern Europe (Joppke 1998). Clearly, this was not the only available philosophy of membership, with many sections of the political elite stressing notions of constitutional patriotism (the SPD) or even multiculturalism (the Greens). However, it was certainly one that would appeal to the more conservative (i.e. CDU/CSU) supporters, and Chancellor Helmut Kohl was willing to capitalise on this from the early 1980s onwards. This is therefore not a case of the CDU/CSU merely reacting to the perceived policy choices/political challenges of others (i.e. the far right). CDU/CSU politicians chose this course not just for its hypothesised electoral expediency; they also did it out of (at least a degree of) conviction.

In his 1982 government statement, Kohl announced that immigration policy would be one of the four priorities for the new CDU/CSU-FDP coalition government. Reaffirming the mantra that Germany was ‘not an immigration country’, he announced that his administration aimed to reduce the number of non-nationals resident in Germany through promoting their return to their home countries, as well as preventing further inflows (Herbert, 2001: 250). The pronouncement was above all targeted at Turkish non-nationals in Germany. Many Christian Democrat politicians emphasised what were considered to be the particular problems in integrating immigrants of Muslim background, who, unlike Italian or Greek immigrants, were considered not capable of integrating into German culture. Interior Minister Friedrich Zimmermann therefore introduced financial incentives to encourage non-nationals to return to their countries of origin. The government also attempted to reduce so-called ‘family reunion’, through restricting possibilities for non-national children to join their parents already resident in West Germany. Neither policy proved to be a success. In the case of return policy, the incentives were largely ineffectual (Herbert, 2001: 255). The CDU attempts to restrict family reunion, meanwhile, ran into strong opposition from its coalition partner the FDP, as well as from the churches, which pointed to the constitutionally-enshrined duty of government to safeguard the family (Article 6 of the Basic Law). A subsequent attempt to modify the Foreigners Law in 1988 to impose a more restrictive system of residence permits also failed, largely due to pressure from within the government.

Implementation of the government’s programme continued to encounter major hurdles throughout its first term in office. The FDP kept up its resistance to plans to restrict rights to family reunion, and the government failed to produce a bill on this during its first administration. When the bill was finally introduced in 1987 it provoked heated debate in parliament, encountering heavy criticism not just from the left, but also from within the ranks of the CDU –

in fact it did not become law until a full three years later, and then only in diluted form. There was further tension over the question of the rights of Turkish workers to free movement. An Association Agreement between Turkey and the European Community contained a clause allowing free movement from 1986 onwards, and the CDU and CSU were keen to revoke this. This was fiercely resisted by FDP foreign minister Hans-Dietrich Genscher who at one stage even threatened to resign if the government failed to respect its commitments to Turkey. All in all, despite the tough rhetoric of 1982-83, immigration did not become a central plank of government policy over this period, and the Kohl government did not deliver the restrictive agenda that it had promised.

From around 1986, political attention began to switch away from immigration to the question of asylum. Throughout the 1950s and 1960s West Germany received relatively few asylum applications, but, during the late 1970s, the number increased rapidly to reach a high of 107,000 in 1980. While many applicants did not qualify for asylum under the definitions set out in the German basic law or the Geneva Convention on Refugees, a substantial number were able to prolong their stay by making use of West Germany's generous provisions for appeal, and were subsequently granted the right to stay on humanitarian grounds (Green et. al., 2007: 95). Some in the CDU (and the CSU) argued that Germany would only be able to keep numbers manageable and prevent abuse of the system if it amended its constitutional commitment to the 'right to asylum'. However, major reform to the asylum system proved to be politically unfeasible, hence the government contented itself with the introduction of new procedural restrictions. While these measures may have contributed to a reduction in applications during the mid-1980s, the number of asylum-seekers rose again in the latter years of that decade to reach 121,000 in 1989.

In 1987 the party debated whether or not to make asylum a general election theme. The party's General Secretary, Heiner Geißler, warned that making asylum into an electoral issue would

‘provoke an escalation of emotions and feelings’, and raise expectations that the party would never be able to fulfil (cited in Herbert, 2001: 271-2). But Geißler was in a minority; the prevalent view was that asylum had become a political issue that the CDU could not afford to ignore, and that it was legitimate to respond to voters’ worries. The problem of asylum ‘abuse’ became a central issue in the *Bundestag* election, as well as the European election of 1989.

The number of asylum seekers reached crisis levels following the end of the Cold War. With united Germany lying at the heart of Europe, it continued to receive by far the largest share of asylum seekers in the European Union, with over 1.2 million applications between 1990 and 1993. The sense of crisis in German immigration was exacerbated by events in the new *Länder*. As part of the reunification treaty, from December 1990 20 per cent of asylum seekers were dispersed to the new *Länder* – a policy that was introduced with minimal preparation and at a time of substantial social and economic upheaval in these areas of eastern Germany. At the same time, hundreds of thousands of *Aussiedler*, ethnic Germans from central and eastern Europe who were entitled to resettle in Germany, were also arriving in the Federal Republic. In areas of eastern Germany tensions escalated into shocking incidents of anti-immigrant violence (notably in Hoyerswerda and Rostock). In the west, meanwhile, there was a widespread perception of an asylum crisis, and panic about a mass influx of refugees and *Aussiedler*. There were also sporadic outbreaks of anti-immigrant violence there too (most notably in Mölln). A poll of 1991 suggested that more than 70 per cent of western Germans considered the question of refugees and immigration to be ‘very important’ political issues; unemployment scored only 10 per cent (Betz 1994: 69).

The far-right were able to exploit this panic, and the German People’s Union (DVU) began to make electoral ground in eastern Germany whilst the Republicans continued to mobilise rather more in the western states. The CDU publicly attributed rising right-wing extremism and

violence to the ‘unresolved asylum problem’, holding the SPD responsible because of its continued resistance to any constitutional amendment (Berg, 2000: 199). Under considerable pressure, the SPD accepted a compromise on the asylum question in December 1992, agreeing to amend the right to asylum in the Basic Law. They secured concessions from the CDU/CSU not just to ease rules on naturalisation of non-nationals, but also to fix a quota for the number of *Aussiedler* relocating to Germany each year (for a discussion, see Thränhardt 2000).

It is important to note that the CDU/CSU positioning on asylum was not driven exclusively by perceived electoral gains. Right up until 1998, leading figures from the CDU/CSU, including successive Interior Ministers, continued to argue that Germany was *not* a country of immigration. This rigid cultural conservatism prevailed in CDU/CSU discourse not because they thought that it was an ‘electoral winner’, but rather as many party stalwarts simply believed it to be true. They claimed that Germany had never, and indeed still did not now, seek actively to recruit permanent migrants to settle in the country, in the way that countries such as the United States and Canada had done in the past. Many within these parties viewed immigration from non-European or non-Judeo-Christian cultures as potentially undermining to social cohesion, and opposed notions of multi-culturalism. Cultural conservatism on this issue may not be as strong as it was pre-1998, but it certainly still exists, and continues to shape approaches to immigration and integration policies (Boswell 2000).

#### *The CDU in Opposition, 1998-2005: Citizenship, Leitkultur and the Immigration Law*

Shaken by its defeat in the 1998 election, the CDU appeared to be more willing to make use of populist forms of mobilisation. Writing in 1998 about possible new strategies for the CDU, the *Frankfurter-Allgemeine-Zeitung* journalist Konrad Schuller pointed out the advantages of focusing on issues of national identity: the CDU would be able to attract voters in both western and eastern Germany through capitalising on the ‘newly awakened theme of ethnic homogeneity’

(Schuller 1998: 114). And this is indeed what the party did. The CDU quickly seized the opportunity to mobilise support against the SPD-Green government's attempts to reform and up-date Germany's (at times antiquated) citizenship and naturalisation laws. From late 1998-1999 it launched a major campaign to mobilise German citizens against dual citizenship, under the leadership of then CSU Bavarian Minister-President Edmund Stoiber. In fact, the practice of dual citizenship had been widely tolerated throughout the 1990s, and the law simply aimed to codify this in a more systematic way (Joppke, 2000: 153). The scale of the campaign, and the rhetoric used, far surpassed previous CDU attempts at anti-immigrant mobilisation. The Christian Democrat parties managed to gather five million signatures against the law, which was described by Stoiber as 'more dangerous to Germany's domestic security than the terrorism of the Red Army Faction in the 1970s and 1980s' (Joppke, 2000: 155). It was widely perceived that the CDU were able to win the Hesse *Land* election in February 1999 through mobilisation on this platform (Benthin, 2004: 170). The mobilisation strategy therefore appeared to have reaped significant electoral dividends at the regional level, at least in the short-term. But while the far-right was keen to pursue the question of integration and identity further, the CDU considered that it had achieved its goal, and let the issue lie.

A second significant area for mobilisation was the Red-Green government's proposals to ease restrictions on labour migration. The debate was triggered by the introduction of a 'Green Card' programme in Spring 2000, designed to attract high-skilled IT workers to Germany. The CDU opposed the programme on the grounds that Germany should invest resources to train indigenous workers to fill vacancies, rather than recruiting foreigners – a position captured in the famous slogan for the May 2000 North Rhine-Westphalia elections, 'Kinder statt Inder' ('Children instead of Indians'). The SPD-Green government, however, persisted in its attempts to open up a public debate on labour migration. In 2001 it established an independent commission headed by the liberal-oriented CDU politician Rita Süssmuth. The Commission's



report, which was issued in July that year, recommended a number of channels to recruit high-skilled workers to Germany. Many of the Commission's proposals were incorporated into a draft Immigration Law, which was approved by the lower chamber but subsequently blocked by the *Bundesrat* in March 2002, where the Red-Green coalition had a majority of just one.

The publicity attracted by this dramatic vote, as well as the controversial cross-party negotiations on the bill in 2003-04, gave the CDU ample opportunity to air their views on migration. A persistent theme was the CDU's opposition to the government's plan to lift the foreign worker 'recruitment ban' of 1973: a largely symbolic change given that there were already multiple exceptions to it. But warnings about the consequences of lifting the ban evoked fears of a return to the pre-1973 era of large-scale, low-skilled labour migration. Another prominent theme was the irresponsibility of admitting more immigrant labour in a situation of high unemployment in Germany; with 4.5 million unemployed, the priority should be to train Germans rather than to recruit more people from abroad. Characteristically, the old concerns about multi-culturalism and identity re-emerged. Many CDU politicians stressed the need to integrate already resident non-nationals before admitting new ones. Wolfgang Bosbach, for example, deputy chair of the CDU/CSU parliamentary party, considered that Germany had already reached the limits of its absorption capacity. Peter Müller, Minister-President of Saarland, was concerned about the 'socio-demographic profile of many immigrants', and their limited capacity to integrate (CDU-Bundesgeschäftsstelle 2003).

There have also been several fairly isolated episodes of mobilisation on issues of integration and German identity, usually emanating from individual CDU/CSU politicians. In October 2000, the CDU politician Friedrich Merz announced that the CDU/CSU parliamentary group, of which he was then leader, would make immigration a central theme of the next national election. In this context, he called upon immigrants to adapt themselves to German '*Leitkultur*'. The CDU

attempted to define this fuzzy concept more clearly in its subsequent report on immigration, listing loyalty to the constitution, knowledge of the German language, and acceptance of human rights and the equality of women (Hentges, 2002). But the concept provoked considerable criticism, and met with derision from large sections of the media. Other attempts at mobilising support for more robust assimilation of non-nationals revolved around the issue of the poor performance of their children in the German education system; and concerns about Muslim immigrants, especially in the wake of the 11<sup>th</sup> September terrorist attacks.

Perhaps surprisingly, immigration did not feature as a central issue in the national election of 2002 or 2005. So while the CDU's stint in opposition clearly provided an opportunity to advance more restrictive policies on areas such as citizenship, labour migration and integration, it chose not to emphasise these positions in national election campaigns. This may be partly because of the lack of political space left by the government: the SPD Interior Minister Otto Schily earned a reputation as being tough on crime, terrorism, and immigration. And the government had backed down from more liberal positions on citizenship and immigration, with the result that the CDU was not able to capitalise on these differences when it came to national polls. As we shall see, however, there are a number of other explanations, linked to the political risks faced by adopting more populist positions.

### **Politicising Migration: Opportunity or Liability?**

It was suggested earlier that there are three ways in which the centre-right risks a loss of legitimacy through mobilising on migration issues: it may create a deficit of value legitimacy in the eyes of party members or (potential) voters; it may produce an impression of incoherence because of inconsistency with other policy goals; or it may engender a loss of confidence in the party's capacity to implement election promises once in power. Drawing on the account of the last section, it is interesting to consider which, if any, of these problems the CDU has

encountered as a result of its attempts to exploit political opportunities to lobby on migration issues.

### *Value legitimacy*

The Christian Democrats have shown themselves to be vulnerable to criticism from the Church, and the possible loss of support from its more socially-oriented wing. This was probably most clear on issues of asylum and refugee policy, including the 1992 constitutional compromise (Bösch, 2002: 274). High profile electoral successes that were built on platforms where anti-immigration rhetoric played a significant part (such as the Hesse regional election of 1999) did not blind CDU leaders to the inherent dangers of alienating more liberal parts of their membership and electorate in the longer-term. The Christian Democrats have lost face through a number of (less successful) populist manoeuvres. The debacle triggered by the 'Children instead of Indians' slogan proved this beyond all doubt, with the party severely criticized for the racist overtones of its campaign. The *Leitkultur* debate is also illustrative of this, highlighting how CDU politicians can be adept at retreating quickly from less tenable positions when this proves politically expedient.

However, the CDU also benefits from a relative lack of societal disapproval when it comes to ethnocentric discourse: it is still quite legitimate within large sections of society to reject multiculturalism, or to label certain groups as unable to integrate. In comparison to countries such as the UK or the Netherlands, there is a wider acceptance of the type of more ethnonationalist rhetoric that CDU politicians periodically produced. Linked to this, the CDU has also benefited from the absence of a strong ethnic minority or immigrant vote. Because of low naturalisation rates (less than five per cent of voters fall into this category), most of the 'guest-worker' generation and their descendants cannot vote and have little interest in going down the long and expensive route that would enable them to do so (Green, 2005). Indeed, the majority of citizens

who acquired citizenship between 1989 and 1998 were *Aussiedler*, a group that is classified as being ethnically German and tends to have rather more conservative political views (Wüst, 2004: 342). They therefore pose few problems for the CDU/CSU in terms of value legitimacy and immigration policy. *Aussiedler* are not just ethnically German, they also tend to be more religious (generally meaning more Catholic), and it should come as no surprise that around 70 per cent of ethnic Germans from the former Soviet Union, 60 per cent from Romania and over 50 per cent of those originally from Poland support the CDU/CSU (Wüst, 2004: 346, 351).

The CDU's unwillingness to support ideas of multi-culturalism or religious pluralism may not prevent it from attracting *Aussiedler* votes, but it clearly does not assist it in attracting support from other groups of naturalised citizens; Andreas Wüst indicates that over 60 per cent of naturalised Turks tend towards the SPD, whilst barely 11 per cent favour the Christian Democrats. Thus any concerns the Christian Democrats may have about value legitimacy have certainly not been pressing enough to prompt them to embrace culturally pluralist or even multicultural positions that might attract more conservative German citizens of Turkish origin (Wüst, 2002).

#### *Programmatic coherence*

The Kohl government did encounter problems with its policy of promoting the return of Turkish *Gastarbeiter*, and its attempts to modify EC commitments to free movement of Turkish nationals – both of which created tensions in bilateral relations with Ankara, as well as within the coalition government. These concerns were voiced most articulately by the FDP foreign minister of the time, Hans-Dietrich Genscher, illustrating the important role that the Free Democrats played in de-radicalising some of the Christian Democrats' more contentious policy rhetoric. As the CDU increasingly embraces a more liberal economic policy, we can expect further tensions to emerge between economic and immigration policies. This may well be a more serious problem,

particularly in the longer-term, with projected demographic trends almost certainly generating acute labour shortages in coming decades. Although the entry into force of the Immigration Law in January 2005 marks a significant turning point in German immigration policy, it would clearly be wrong to conclude that it is the end of the story. CDU immigration and citizenship policy is caught between the need to attract more high-skilled labour and manage what is effectively cultural pluralism whilst not neglecting the political imperative to emphasise restrictionist credentials to the electorate.

Programmatic tensions also stem from another source: the European Union. The EU is already a major source of policy content in the area of immigration. The trend towards greater Europeanisation of many policies is likely to continue, and yet Germany – and the Christian Democrats in particular – may not be as traditionally supportive of this agenda as they once were. When EU-level cooperation in immigration and asylum was formalised in the 1992 Maastricht Treaty, Chancellor Kohl's government was a major driving force behind this initiative (Green et al., 2007: 109). Kohl hoped to 'export' the asylum issue, which at that stage was completely dominating domestic politics, to the EU arena (Henson and Malhan, 1995). However, by the time the Amsterdam Treaty, which brought immigration and asylum under the so-called 'first pillar', came into force in 1999, support for a full Europeanisation of this policy area had dropped in temperature from red-hot to decidedly tepid (Hellmann, 2006). The reason for this lay in the fact that, by then, Germany had instituted its own measures to restrict asylum under the 1992 reforms. Yet at European level, German negotiators were now being confronted by countries adopting positions which were frequently more liberal than its own, especially in asylum and family reunification policy. Germany's – and the CDU's (and CSU's) – concerns that that its own standards, which it perceives as rigorous, could be 'hollowed out' has made it reluctant to support the full harmonisation of policy necessary to make this policy area work at EU-level (Green et al., 2007: 109-110).

### *Practical Credibility*

The asylum compromise of 1992 demonstrated that even constitutional constraints can be overcome, where there is a clear interest in ‘regaining sovereignty’ (Joppke 1998) in the area of immigration control. However, the Kohl government was not able to reverse constitutional provisions that allowed for the expansion of rights of long-term residents over the 1980s: for example, rulings on the right to family reunion, or protection from deportation. Moreover, the constraints of coalition politics – ruling with the more liberal FDP – meant that the Christian Democratic parties were unable to implement large parts of their 1983 programme on migration. Arguably, this created considerable frustration and aided the surge in support of the far-right *Republikaner* in 1989.

The demands of business for migrant labour and migrant communities themselves have evolved at a much faster rate, leaving public policy to play a more-or-less perpetual game of ‘catch-up’. Thus, the effectiveness of the ‘Green Card’ programme of 2000 was severely compromised by the bureaucracy’s highly restrictive approach to any new labour migration, even of high-skilled workers. This programme subsequently represented nothing more than a tentative first step in the direction of liberalisation. It is likely that employers will continue to press for expanded opportunities for recruiting foreign labour in sectors facing acute shortages (indeed this is a global trend), which is likely to raise serious dilemmas for any future CDU government, forcing the party to juggle its business-friendly leanings with a more populist restrictionist stance.

Finally, it is worth pointing out a particular problem faced by opposition parties in the German political system. Even where anti-immigration positions do garner support from voters, the consensual system of decision-making means that this does not always translate into electoral gains. Incumbents must continuously adjust their policies to meet opposition criticisms, because

of the need to pass legislation through the upper chamber (which is often composed of a majority of opposition parties). By the time it comes to the next national election, a compromise may already have been reached, and there is limited opportunity for the opposition party to capitalise on its critical position. This was clearly the case with the CDU(/CSU)'s opposition to the Immigration Bill of 2001, which became the object of a compromise deal in Spring 2004, thereby removing it from the electoral agenda in Autumn 2005. The same was true of their critique of the Citizenship Law of 1998, with the compromise being reached in May 1999, well before the next general election of Autumn 2002 (although the 1998-99 debate did contribute to local electoral gains). Paradoxically, then, opposition parties would benefit electorally from a concentration of legislative power in the hands of the incumbent government.

## **Conclusion**

The CDU has, by and large, been keen to tap into the perceived electoral advantages of anti-immigrant positions. This can to a large extent be understood as a calculated strategy to articulate popular anxieties about the economic and social impacts of immigration in Germany. The concern to occupy this 'space' was clearly rendered more urgent by the rise of the Republicans and DVU (and latterly the NPD) on their right flank, with these parties displaying no qualms about using anti-immigrant language. The anti-immigrant violence in the early 1990s in cities such as Sollingen, Mölln, Hoyerswerder and Rostock undoubtedly led to greater interest in immigration issues. Yet, whilst there is evidence that the CDU/CSU did indeed harden policy stances as a result of specific, high-profile events, it is far from clear that this was done because of specific worries about the far-right mobilising support on account of this. The Republicans in particular may well have been an electoral threat, but there was also a strong feeling – and the gruesome attacks in the above mentioned cities highlighted this – that something also had to be done to change failed policy choices. It was that worry that drove CDU/CSU policy development rather than the need to head off political extremists at the pass. The centre-right's

propensity to adopt more restrictionist positions was therefore not simply a case of reacting to public opinion or the tactics of their far-right competitors. Many in the CDU (and CSU) were personally committed to the rather more hard-line rhetoric that they espoused, regardless of political expedience.

The more interesting question is therefore whether the CDU will rediscover its traditional ability to win elections frequently or whether it will – much as has happened to the British Conservatives – choose to articulate restrictive positions on issues such as immigration which appeal to its core electorate but in reality may not be so attractive to more liberal/left-leaning social democratic orientated voters. The considerable number of veto players in the German political system make implementing tighter immigration policies difficult, and even the more right-wing members of the CDU are aware that balancing more restrictive policies with the ‘social’ ethos of their parties, as well as business interests, will be politically tricky. More overtly, there seems to be little evidence that CDU’s intransigence over immigration reforms has won it many voters in the *national* arena. While ideological differences between left and right are frequently only expressed indirectly, there can be little doubt that clear water exists between the centre-right and its more left-wing opponents in this area. And yet voters seem unwilling to cast their ballots on this basis (the Hesse regional election of 1999 being a notable exception). Having said this, there may well be one issue which potentially serves to ratchet up the debate another notch: the impending question of Turkey’s prospective membership of the EU, and the question of free movement of Turkish nationals. This may serve to ignite the party political touch-paper in the coming years.

This article has highlighted the complex nature of the immigration issue for the centre-right in contemporary German politics. On the one hand the CDU sees genuine electoral opportunities in granting this issue-complex an increased profile in its election campaigning. A significant



number of its members genuinely believe in restrictionist and, in many ways, decidedly antiquated notions of citizenship and integration. Cultural conservatism thus remains a core tenet of the CDU's (and CSU's) political DNA. The POS literature nevertheless highlights both the limitations and risks that the parties face in articulating these demands too fiercely. The CDU has a strongly Christian core and is moving (if only slowly) in the direction of free-marketism, implying that restrictionist stances on issues such as labour migration and asylum are likely to generate concerns about value legitimacy and programmatic consistency. The successive attempts of Christian Democratic administrations to revise German immigration laws have also illustrated how difficult it can be to implement coherent sets of policies that chime with the party's original programmatic claims. Talk, for many in the CDU on this issue, remains much easier than action. And this is something that is likely to remain true for many years to come.

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